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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,890	02/14/2002	James Thomas Edward McDonnell	30006988-2	6727

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EXAMINER	
KOVALICK, VINCENT E	
ART UNIT	**PAPER NUMBER**
2673	

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/073,890	MC DONNELL	
	Examiner	Art Unit	
	Vincent E Kovalick	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Applicant's Amendment dated June 14, 2004 in response to USPTO Office Action dated February 26, 2004.

The amendments to claims 5 and 6 and the addition of new claim 13-16 have been noted and entered in the record.

The introduction of new prior art used in the rejection of independent claims 1 and 10 renders moot Applicant's remarks relative to said claims 1, 10 and related dependent claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 5-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Dahley et al. (USP 6,501,463).

Relative to claims 1 and 10, Dahley et al. **teaches** an electronic whiteboard system using a tactile foam sensor (col. 2, lines 47-67 and col. 3, lines 1-20); Dahley et al. further **teaches** an electronic whiteboard comprising: a surface for recording images; a data store for storing images which age recorded on the surface, wherein the data store has a presence on a network

via a network location; and a communicati5on system for communicating to individuals or computing devices within its locality the network location of the data store (col. 3, lines 62-67; col. 4, lines 1-6 and 39-52; Abstract and Fig. 1).

Regarding claim 5, Dahley et al. further **teaches** said electronic whiteboard wherein the data store has a presence on the network via a remote server which forms a gateway between the network and the data store and the remote server has a presence on the network via a network location (col. 4, lines 23-35 and Fig. 1).

As to claim 6, Dahley et al. **teaches** said whiteboard further comprising a network serve having a network location for providing access to the data store via the network (col. 4, lines 23-35 and Fig. 1).

Regarding claims 7 and 8, Dahley et al. **teaches** said whiteboard wherein the data store stores images recorded on the whiteboard periodically, and wherein the data store stores images recorded on the whiteboard in real time (col. 4, lines 29-52).

Relative to claim 9, Dahley et al. **teaches** said whiteboard wherein the network location is a URL (col. 10, lines 32-35 and col. 11, lines 4-20).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-3, 11-12, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahley et al. as applied to claims 1 and 10 respectively in item 3 hereinabove and further in view of Nounin et al. (USP 5,802,469).

Relative to claims 2-3 and 11-12, Dahley et al. **does not teach** said electronic whiteboard wherein the communication system comprises a beacon for emitting a signal from which the network location associated with the data store can be derived.

Dahley et al. teaches an electronic whiteboard system using a tactile foam sensor.

Nounin **teaches** a radio communication system (col. 2, lines 51-67; col. 3, lines 1-67 and col. 4, lines 1-34); Nounin et al further **teaches** said electronic whiteboard wherein the commutation system comprises a beacon for emitting a signal from which the network location associated with the data store can be derived; and wherein the beacon is an infrared beacon (col. 45, lines 29-67; col. 1, lines 1-117 and Fig. 44).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Dahley et al. the feature as taught by Nounin et al. in order to provide a radio communication systems capable of acquiring necessary information by automatically receiving transmission of information and acquiring information when moving to a information obtainable area, only by presetting request of desired information (col. 2, lines 56-62, Nounin et al.).

Regarding claims 14 and 16, Dahley further **teaches** a said electronic whiteboard wherein the signal output by the beacon includes the network location associated with the data store, and a data file name that corresponds to a particular data file of the data store in which images

provided to the surface of the electronic whiteboard age currently being recorded (col. 9, lines 63-67 and col. 1, line 1). It being understood the data being transmitted and stored on a network are being recorded in real time.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dahley et al. taken with Nounin as applied to claim 2 in item 5 hereinabove and further in view of Nielsen (USP 6,373,502).

Regarding claim 4, Dahley et al. **does not teach** said whiteboard wherein the communication system comprises an electronic tag from which the network location associated with the data store can be derived.

Dahley et al. taken Nounin teaches an electronic whiteboard system using a tactile foam sensor compatible with a communications system.

Nielsen **teaches** a system for facilitating display of information to a computer user (col. 1, lines 35-67 and col. 2, lines 1-32); Nielsen further **teaches** said electronic whiteboard wherein the communication system comprises an electronic tag from which the network location associated with the data store can be derived (col. 5, lines 43-45).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Dahley et al. taken with Nounin et al. the feature as taught by Nielsen in order to facilitate a reference tag for accessing the proper network chain to obtain a desired data storage location.

7. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahley et al. taken with Nounin in view of Nielsen as applied to claim 4 in item 6, and Dahley as applied

to claim 10 in item 3 hereinabove respectively, and further in view of Richley et al. (USP 6,542,083).

Regarding claims 13 and 15, Dahley taken with Nounin in view of Nielson **does not teach** said electronic whiteboard comprising a bar code that is physically located on an external surface of the electronic whiteboard, wherein the electronic tag is included in the bar code that is scan able by a bar code scanner in order to obtain the electronic tag by a user within the locality of the electronic whiteboard.

Dahley et al. taken Nounin in view of Nielsen teaches an electronic whiteboard system using a tactile foam sensor compatible with a communications system.

Richley et al. **teaches** an electronic tag position detection using radio broadcast (col. 1, lines 14-67 and col. 2, lines 1-59); Richley et al. further **teaches** said electronic whiteboard comprising a bar code that is physically located on an external surface of the electronic whiteboard, wherein the electronic tag is included in the bar code that is scan able by a bar code scanner in order to obtain the electronic tag by a user within the locality of the electronic whiteboard (col. 1, lines 14-18 and col. 4, lines 59-63).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide to the device as taught by Dahley et al taken with Nounin in view of Nielsen the feature as taught by Richley et al. in order to facilitate scanning the bar code on the whiteboard to obtain the desired electronic tag.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No.	6,513,069	Abato et al.
U. S. Patent No.	5,894,306	Ichimura
U. S. Patent No.	5,926,605	Ichimura
U. S. Patent No.	5,790,114	Geaghan eat al.

Responses

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent E Kovalick whose telephone number is 703 306-3020. The examiner can normally be reached on Monday-Thursday 7:30- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703 305-4938. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vincent E. Kovalick
October 1, 2004

BIPIN SHALWALA
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